

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO NO. 1043 OF 1988
DATE OF DECISION 12.7.2006

Kartar Kaur and another Vs Punjab Government and others

Present Mr. M.L.Saini, Advocate for the appellants
Ms. Urvashi Dhugga, AAG Punjab

Rajesh Bindal, J.

This is an appeal against the award of the Motor Vehicle Accident Claims Tribunal, Jalandhar (for short 'the Tribunal) in MACT Case No. 26 of 1988. The claimants are the parents of deceased Balbir Singh, who died unmarried in the accident, which took place on G.T. Road near BSF Chowk at Jalandhar on 6.6.1987. Deceased was struck by the Punjab Roadways bus. The accident in question is not in dispute. The only dispute is with regard to award of compensation. It was stated that the deceased was working as a mechanic and was earning about Rs. 1,000/- to 1,200/- per month and was contributing Rs. 700/- to Rs. 800/- per month to the family. The age of the parents at the time of his accident being approximately 62 years (father) and 64 years (mother). Learned Tribunal, while awarding the compensation has assessed the dependency of the deceased at Rs. 500/- per month and by applying multiplier of 5 has granted compensation of Rs. 30,000/- . From the facts on record it is evident that deceased was the only help to the old aged parents and must be contributing for the family expenses. In my view just compensation, from the evidence on record in the present case, would be by assessing the dependency at Rs. 600/- per month and applying a multiplier of 7. Resultantly, the amount of compensation is determined at $7200 \times 7 = \text{Rs. } 50,400/-$. Enhanced amount of compensation i.e. Rs. 20,400/- shall be paid to the claimants alongwith interest at the rate of 7.5 % per annum from the date of application i.e. 20.7.1987.

The award of the Tribunal is modified to the extent indicated above and the appeal is accepted accordingly.

July 12, 2006
gsv

(RAJESH BINDAL)
JUDGE